

Participatory mapping and the land and resource law in Cameroon



The Sector Policy

Introduction

Why should we start to think about the need for various public administrations to use participatory mapping, and have a unified methodology accepted by all actors involved in participatory mapping?

The significantly dynamic context that of our country

- Development of numerous and diverse investments which sometimes require same spaces or neighboring lands;
- Population growth, and expected or imposed migration flows (displaced people from the Far North, North West and South West, refugees from the East);

- Development of voluntary or compulsory social and environmental norms and standards imposed upon some partners of Cameroon, and which could inspire ongoing legislative reforms;

A challenge: foster a harmonious cohabitation between investors and communities

They will coexist on the long run in same areas;

- All right holders granted by the State, but sometimes conflicting or even mutually exclusive
- Conflicts between these actors can constitute permanent threats to order public or even to social peace;

- Legislation is concerned with the protection of communities' rights and interests but does not propose effective tools;
- The ownership issue is not actually the core one, though it is important: mapping a traditional land does not mean acknowledging a community ownership over it if land tenure does not allow it.

Participatory mapping was realized in Cameroon by various actors: NGOs, conservation projects, private companies and even the government. These activities were usually conducted with quite different methodologies, using procedures that meet standards of unequal quality.

Maps issued from these processes were mainly used to solve issues related to community rights and uses of spaces and resources within a specific location, and they have sometimes been used as one-off decision-support tools.

The legal status of these cards remained uncertain, as legislation recognizes them only as an indication by communities of areas they use.

The project of development of a unified methodology for participatory mapping aims at solving one of the main issues as for the use of participatory mapping in Cameroon: the one of disparity in methodologies and results from participatory mapping processes, which significantly alter the tool's credibility in the country.

But the question of knowing in what situations participatory maps could or must be used remains. The analysis of Cameroon's national legislation reveals multiple situations in which the use of participatory mapping seems to be the only way possible to apply the law. And although it is rarely mentioned in the existing applicable laws, situations described are clear enough to be considered as an implicit indication of the need to resort to participatory mapping to enforce certain law provisions.

The purpose of this note is to quickly remind cases in which applicable laws and regulations seem to be indicating the use of participatory mapping.



Village Management

In Cameroon, there is no law on villages, and the law that mentions villages is the decree of 1977 setting the organization of traditional chieftaincies. Article 2 reminds that «traditional chieftaincy is organized on a territory basis», which implies that each village has a traditional land with limits.

Indeed, a traditional chief has authority on a given territory. From that perspective, it is interesting to note that municipalities do not have clear limits other than those of villages they are made of, and which are at the limit of municipalities. Therefore, determining limits of villages will help determining boundaries of municipalities, which would represent a definite progress as concerns decentralization.

Who could appropriately determine limits of the village territory, if not communities themselves, and how can we achieve it without the participation of all the village inhabitants?

The forestry sector

The 1994 Act and its implementing legislation put in place an innovative forest management system, providing some new tools of which the implementation could likely guarantee sustainable forest management, and community participation desired by the legislator: development plans of Forest Management Units (FMU) and protected areas, regulations on forest operations, Forest Annual Fee and in particular the part of this fee meant for neighboring communities of these operations.

- **Norms on Forest operations**

They apply to any actor conducting activities in a forest and they aim at impact on the fragile forest ecosystem. The document adopted by a decree from the Minister of Forests contains provisions pertaining to relationships with populations.

Companies have three fundamental obligations:

- Inform administrative and traditional authorities of all information planned in a given area;
- With the help of local people, locate, map and mark resources to be protected during logging;

It is important to say that in this case, operation norms expressly provide the use of participatory mapping. It is the only case where an applicable law in Cameroon expressly prescribes participatory mapping.

How to identify all these spaces and resources? Only through participatory mapping.

The ranking of forests

Provided by the 1994 Law on forests, wildlife and fisheries, and its decree implementing the forest

Decision No. 0108 / D / MINRF / CAD of 9 February 1998 implementing norms on forest operations in the Republic of Cameroon

Chapter II

Relationships with local people

4. Before undertaking forest management activities, the holder of a logging title must inform the local administrative and territorial authorities.
5. With the help of local people and their representatives, the holder of a logging title must locate, map and mark resources of the environment to be protected during forest operations, including:
 - Farms
 - Fruit trees;
 - Sacred trees;
 - Trees used by populations for seed collection;
 - Areas of particular value to inhabitants
6. Planning the road network to be developed and logging must take into account resources of the environment to be protected and when possible needs of local population.
7. Local officials of the administration must, upon his request, assist a holder of a logging title in fairly settling disputes with local populations.

- Taking into account the needs of communities in planning the road network and logging.

The text declares that the company can be helped, upon request, by the forest administration to reach agreements with communities. Compliance with these obligations presupposes that the company communicates with communities and involves them in the process of identifying these sites useful to the populations, and that they alone are capable of clearly identify.

regime in 1995, it is organized by Decision No. 1354 / D / MINEF / CAB of 26 November 1999 laying down procedures for the classification of forests in the permanent forest estate of Cameroon.

The law recalls in article 26: «The act of classification of a state forest takes into account the social environment of indigenous peoples who keep their normal rights of use ». This text provides three elements relevant to identifying and taking into account the rights of communities:

1. In preparing the preliminary technical information note, the Forest Directorate has to specify, among other things, «a summary description of the area (topography, hydrography, vegetation, populations, human and industrial activities in the area, accessibility and upcoming work project and programme», as well as» the description of normal user charges «.
2. In raising awareness of administrative authorities and local elites, «the principle of participation of populations in the forest management process (populations should be consulted) « should be explained.
3. Finally, as part of the fact-finding mission, “populations have a time limit specified in the public notice to express reservations or oppositions to the classification project. These reservations may concern infrastructures (fields, quarries, houses) located in the forest”. Such infrastructures, “which may give rise to compensation, must be located preferably using a GPS. All localized infrastructures will be indicated on the massif map at 1: 200 000”.

Three lessons can be learned from these provisions:

- The administration’s concern is to thoroughly identify uses and investments the site to be classified, in order to account them in the ranking decision, either by excluding them from the zone to be classified or by keeping them and preparing adequate compensation;
- The map is indicated as an appropriate for necessary information for decision making;
- GPS is suggested as the location tool investments and other activities on the considered site.

Although participatory mapping is not mentioned, it seems obvious that the identification of uses and investments mentioned can only be made by asking communities to identify their activities on the site and locate them on a map using GPS points.

• Forest management

The 1994 law provides that forests of the estate permanent will be the subject of a forest management. Whether it I FMUs or protected areas, it is about ensuring that communities’ rights and customs are socially taken into account.

The development plan is presented as «a document of which the main purpose is to organize logging on permanent massifs by scheduling in space and time cuts and forestry works, aiming at a sustained harvest». Its sections include “land use and user rights”.

Land use “is the identification and mapping of the use of lands the classified concession”, and user rights are listed based on the decree of classification (which identifies community uses and activities), socio-economic studies, and consultations with neighbouring populations. How to do it without using participatory mapping?

Some of the challenges faced by forestry companies could have been handled better, or even avoided if planning operations had been conducted on the basis of results from a comprehensive participatory mapping. Farms located inside felling areas, sacred sites and other sites of interest for communities would have been identified and protected better.

Forest management also concerns protected areas in which communities usually have activities, and claim customary property rights over spaces. Identifying these claims and taking them in account (not necessarily keeping them within the protected area) are essential prerequisites for effective decision-making because of the relevance of that information for the development purpose.

HERE: Map of community uses in protected areas

• Annual forest fee

The 1994 Act provides that part of the annual forest fee paid by loggers will be allocated to the development of riverside communities. Logging permits are usually located on the traditional land of many communities, making them all beneficiaries from the FMU. How to precisely determine what proportion of the FMU will be assigned to each community.

Only a participative cartography of traditional land revealing their limits, even approximate, can help defining an objective calculation basis. Current changes to rules governing FMU distribution do not alter the need for an identification of areas of traditional lands covered by forest permits.

• Community forestry

The 1994 Act provided the possibility for communities to create community forests of maximum area of 5000 hectares, in the non-permanent forest estate. The procedure provides, among other things:

- Identify the space to house the community forest
- Determine the limits of the community forest

How to identify spaces that will house community forest, ensuring that spaces used privately are excluded? How to determine limits of the community forest, including with neighbouring villages? Once more, only participatory mapping could help achieve this exercise in the best possible manner.



The land sector

In the domain of land too, applicable laws contain provisions of which the optimum implementation can only be achieved by using participatory mapping.

The national domain consists of lands on which no legal subject has a land title. It represents most of the national territory lands, and is estimated at more than 80% of Cameroon's surface area. The State is in charge of the administration and management of national estate. We distinguish between first category national estate, which houses humans and their activities, and the one of

second category, made of so-called non-exploited lands. It's a survival of the notion of «Vacant lands without master», widely used during the colonial era.

The administration is responsible for allocating rights over large land areas, through registrations (to the State, municipalities or individuals) or concessions.

• The Advisory Commission

Decree No. 76-166 of 27 April 1976 settling management methods of the national domain.

Art. 14. The Advisory Commission: - Proposes to Prefectural authority the distribution of rural space in agricultural and pastoral areas according to the needs of populations: - issues an opinion on the demands for concession allocations; 4 - Examines and settles where necessary, disputes it receives as part of the procedure to obtain a land title for occupied or exploited dependencies of the national domain; - Selects lands necessary for village communities; - Receives all observations and information pertaining to the national domain management and make recommendations to the Minister in charge of domains ; - Examines and settles where necessary all disputes it received from different jurisdictions pursuant to Article 5 of Ordinance No. 74-1 of 6 July 1974; - Certifies the development of lands to obtain land title. Art. 15. Recommendations of the Commission are adopted by a simple majority of present members, and is valid if the village or community chief and a notable took part to works. In case votes end in a tie, the one of the President prevails. The Commission's minutes must contain all information and objections received during the survey. It is addressed to the minister in charge of domains by the Divisional Officer, as well as the file. The Minister in charge of domains, the Minister of Agriculture and the Minister of Livestock and Animal Husbandry issue where necessary a joint decree regulating agro-pastoral disputes.

The advisory commission is the local body responsible for providing advice to the central administration in the concession process. She has the responsibility, among others, of «selecting lands essential to village communities», in order to determine lands that could be ceded to institutions/ individuals in need of land. However, this decision assumes at least three prerequisites:

- Determination of the traditional land's surface area of all concerned communities
- Location of current uses and the projection of future uses based on population growth for example
- Identification of the least used sites by communities

The participatory map should be the basic tool of advisory committee sessions holding as part of large scale land transfers, since it is likely to contain all information necessary for decision-making.

• The distribution of land royalties

When national domain lands are subject to a concession, part of the land royalties are supposed to be paid to riverside communities. How do you determine the proportions to be paid to communities? In this case also, and when the concession is located on the traditional land of different communities, it is important to determine the concession's proportion that covers traditional land of each village.

• The Declaration of public interest and compensation

To conduct public works, the State needs to make expropriations for public interest. Decrees of public interest declaration are taken after field works to identify spaces that the project will need, and different holders of rights on these spaces. These rights holders are identified, as well as their rights, and they receive compensation for the compromised rights. It can be rights on those lands (when it is registered) or simply of enhancement on space (houses built on land without land title, farms, etc.).

In recent years, many projects in Cameroon have given rise to disputes over compensation arrangements; and most of the time they arise after the destruction, thus depriving actors of any possible verification. How to consensually identify the rights and uses of communities in a space, rights which are intended for destruction as part of a development project on the site? Participatory mapping has the advantage to provide information collected by communities themselves, with the assistance of an external actor. Data collected are subject to a collective validation, and the map remains a proof of uses and rights, which can be

used to settle numerous disputes arising during the compensation process, which sometimes take place several months or even years after the commencement of the project works, and therefore the destruction of properties.



Environmental impact assessments

The EIA is presented by the decree N ° 2013/0171 / PM of 14 February 2013 laying down the modalities for conducting environmental and social impact assessments as the «systematic review aiming at to determine possible negative and positive effects of a project on the environment », and in turn, on communities that use space and resources of the environment. Requirements imposed to the project promoter in preparing his EIA include:

- «Description and analysis of the site initial and its physical, biological, socio-economic and human environment»;
- «Description and analysis of all natural and socio-cultural elements and resources likely to be affected by the project [...] »

These elements can be properly identified only by associating local populations in data collection and group validation. These elements, gathered on a map, will also be a tool for baseline data, from which the project's impacts will be monitored.

Farmer-livestock conflicts

Cameroon is both an agricultural and breeding country of breeding, and the cohabitation between both communities is sometimes difficult. Applicable

laws governing the national domain provide modalities for consideration of conditions of this cohabitation.

In areas with both breeders and farmers, it is expected that the advisory commission contributes by proposing to the divisional authority a distribution of rural space in agricultural and pastoral areas based on population needs. This is a preventive approach through which populations themselves determine sites to be used by each of the two groups. Because of the sensitive nature of this issue, it is important that these data be subject to rigorous collection and validation, and be recorded in a cartographic support, which will allow monitoring.

Decree No 78/263 of 3 July 1978 laying down methods of settling agro-pastoral disputes indicates that when such disputes arise, members of the advisory commission to usual members, include a farmer and the chief breeder. Hence it is in charge of:

- Organize rural space in agricultural areas and in breeding areas according to population needs and development requirements
- Define methods of use of mixed areas. In this respect, it determines the time of the year when, considering climatic conditions and crop cycle, agriculture and livestock can be practiced alternatively. These areas are unlikely for private appropriation; operators can only own a seasonal use right;
- Monitor in permanence agro-pastoral land to ensure that farmers and ranchers respect boundaries of respective areas;
- Settle agro-pastoral disputes;

Article 5 of the Decree provides that «the distribution of rural area and related modifications must be approved by a decision of the Governor of the territory and released publicly».

How to identify agricultural areas and those breeding areas, mixed zones and corridors of transhumance, delimit them and bring them to the public knowledge periodically?

How to collect and fix information from different and sometimes conflictual sources? Participatory mapping, here again, seems to be the only tool indicated, due to the contradictory nature of its process of preparation and validation.



Territory planning

Cameroon is engaged in a process of territory planning. The process started with the guiding law of orientation Cameroon's land planning and sustainable development, and continues with the national zoning plan. The latter will proceed with a proposal for various land uses, and it will be important to ensure that spaces used by communities are identified and protected. How to identify those spaces and resources other than using participatory mapping?

Conclusion

We notice that the legislation contains many provisions expressly prescribing the use of participatory mapping in all sectors. There is great clarity about the RESULTS, THE PURPOSE of what is expected (the WHAT?), But a silence on the MEANS (the HOW?), i.e. modalities to achieve this end. It is this silence that has allowed the development of many methodologies, of unequal quality, that coexist on the national territory. The Government was in a urge to develop a sole methodology to fully apply existing laws and the project has contributed by proposing a unified methodology, developed in an inclusive way, with active participation of field actors (NGOs, indigenous people's associations, Traditional Chiefs), research, international NGOs working on participatory mapping in Cameroon, private sector, Parliamentarians, and all competent public administrations in the field of space and resource management.



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